

875—218.307(91D) Essential part of and necessarily incident to.

218.307(1) Subrule 218.3(4) has the effect of including within the exempt work activities which are an essential part of and necessarily incident to the professional work described in 218.3(1) to 218.3(3). This provision recognizes the fact that there are professional employees whose work necessarily involves some of the actual routine physical tasks also performed by obviously nonexempt employees.

218.307(2) The test of whether routine work is exempt work is different in the definition of “professional” from that in the definition of “executive” and “administrative.” Thus, while routine work will be exempt if it is “directly and closely related” to the performance of executive or administrative duties, work which is directly and closely related to the performance of the professional duties will not be exempt unless it is also “an essential part of and necessarily incident to” the professional work.

218.307(3) Reserved.

SOURCE: 29 CFR 541.307.